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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendant
JOHN J. HOLLENBACK, JR.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT

MELVIN JONES, JR., et al.,

Plaintiffs,

v.

MICHAEL TOZZI, MARIE SOVEY-
SILVEIRA, LESLIE JENSEN, and JOHN
J. HOLLENBACK, JR.,

Defendants.

Case No. f-05-0148 AWI DLB

**ORDER OF THE COURT GRANTING
DEFENDANT'S MOTION FOR
ATTORNEYS' FEES; DENYING
PLAINTIFF'S SPECIAL MOTION TO
STRIKE/COUNTER-MOTION FOR
SANCTIONS UNDER RULE 11;
STRIKING CERTAIN DOCUMENTS; AND
DENYING AS MOOT PLAINTIFF'S
MOTION FOR SANCTIONS**

TO PLAINTIFF, MELVIN JONES, JR., DEFENDANT, JOHN J. HOLLENBACK, JR.,
AND COUNSEL FOR DEFENDANT, PLEASE TAKE NOTE OF THE FOLLOWING ORDER
FROM THIS COURT:

On February 11, 2008, the parties appeared before the Honorable Oliver Wanger of the
United States Eastern District Court for oral argument on numerous motions submitted by the
parties. Plaintiff, Melvin Jones, Jr., appeared telephonically as *Pro Se* litigant. Attorney, Daniel
L. Wainwright, appeared on behalf of defendant, John J. Hollenback, Jr., personally in Court.
Argument from both sides were heard by the Court and thereafter the Court took these matters
under submission.

On March 20, 2008, the Court issued a 75 page Memorandum Decision regarding
Defendant's Motion for Attorneys' Fees pursuant to §1988, and plaintiff's multiple motions and

1 filings.

2 Pursuant to the pleadings, submissions of the parties, oral argument presented by the
3 parties, the Court's complete extensive record of this case, and as thoroughly described in this
4 Court's March 20, 2008 Memorandum Decision [Doc. #417] GOOD CAUSE exists to ORDER
5 the following:

- 6 1. Documents No. 380, 384, 386, 387, 388, 397, 400, 405, and 406 are STRICKEN;
- 7 2. Plaintiff's motion for sanctions (Docs. 397, 400, 405 and 406) are DENIED AS
8 MOOT;
- 9 3. Plaintiff's "Special Motion to Strike" is DENIED;
- 10 4. Plaintiff's Counter-Motion for Sanctions under Rule 11, Federal Rules of Civil
11 Procedure is DENIED;
- 12 5. Defendant's motion for attorney's fees pursuant to 42 U.S.C. § 1988 is
13 GRANTED and Defendant is awarded attorney's fees from plaintiff in the amount of \$30,000.00.

14
15 Dated: April 4, 2008

/s/ OLIVER W. WANGER
UNITED STATES DISTRICT JUDGE
OLIVER W. WANGER

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte & Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On March 27, 2008, I served the within documents:

ORDER OF THE COURT GRANTING DEFENDANT'S MOTION FOR ATTORNEYS' FEES; DENYING PLAINTIFF'S SPECIAL MOTION TO STRIKE/COUNTER-MOTION FOR SANCTIONS UNDER RULE 11; STRIKING CERTAIN DOCUMENTS; AND DENYING AS MOOT PLAINTIFF'S MOTION FOR SANCTIONS

- **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- **BY PERSONAL DELIVERY:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- **BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California addressed as set forth below.
- **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- **BY ELECTRONIC SUBMISSION:** per court order, submitted electronically by Verilaw to be posted to the website and notice given to all parties that the document has been served.

Melvin Jones, Jr.
P.O. Box 579392
Modesto, CA 95357

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 27, 2008, at Fresno, California.

/s/ Daniel L. Wainwright

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